



THE MAINE CEO

A PERIODIC NEWSLETTER FOR
CODE ENFORCEMENT TRAINING & CERTIFICATION
PROGRAM INFORMATION

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EDITOR'S NOTES

Late last year we surveyed all State certified code officers and plumbing inspectors. The survey was part of the State Planning Office's on-going effort at *total quality management*. An important aspect of this effort requires periodic evaluation of the services we provide to our clients and customers so that we can better meet their program needs. In the near future we plan to put the survey results on our website. While the majority of the survey findings were very clear, some of the findings were in conflict with what people have been telling us lately. To help sort this all out we felt that it was time to invite some practicing code officers to Augusta for a focus group discussion. On May 8th our "working group" gathered for an all day session with program staff. By all accounts the meeting was extremely productive, with both "sides" learning much. In addition to our staff, the following individuals participated: Dabney Lewis, Boothbay Harbor; Jeff Nims, Camden; John Thompson, Naples; David Giroux, Readfield; and Leigh Stillwell, Houlton.

Lana Clough, program coordinator, gave the group an overview of the CEO training program budget and answered many questions about this matter. Several "proposals" for improving the program were presented to the group for discussion. This part of the meeting proved to be extremely interesting and many new ideas were developed. The next step in the process is to write a report on the group's efforts. The report will be made available for review and comments. Later this year we plan to reconvene the "working group" in order to propose changes to the training program. If the group gives their approval to the changes we will then develop a formal proposal that will be distributed to all CEOs, LPIs, and code groups for further comment.

Sometime late next year we expect to begin a process to implement the changes. Some changes will very likely require additional funding that will have to be approved by the Legislature. Other changes will require that we go through formal administrative rule-making process. Currently, we are implementing program improvements that we believe can be done without additional funding. These improvements include: conversion of training program manuals to electronic format, training curriculum on PowerPoint software, and development of study guides.

MBOIA SUMMER MEETING

The Maine Building Officials & Inspectors Association held their Summer Meeting on June 12th in Scarborough at Dunstan's Schoolhouse Restaurant. For the morning session, Norm Fecteau of Auburn presented an overview of *building rehabilitation codes* focusing on the rehab code recently developed by the State of Maryland. Scott Davis, Mike Nugent, and Richard Dolby collaborated with Norm on this project. The purpose of the presentation was to familiarize the members on rehab codes. Roger Timmons of Windham gave an update on MBOIA's involvement with the State's efforts to adopt a new plumbing code. Also at the meeting were representatives from BOCA International, Paul Heilstedt, chief executive officer of BOCA and Rodney Blane, president of BOCA. Paul spoke to MBOIA members about BOCA's on-going work to develop a standalone *existing buildings code*. This code should be ready for distribution by 2003. Rodney gave an update concerning BOCA's on-going efforts to implement a consensus code development process and their future within the International Code Council. The meeting was very informative. The next regular meeting of MBOIA is the Fall Meeting scheduled for September 6th in Waterville.

MCEOA ANNUAL MEETING

The Midcoast Code Enforcement Officers Association held their annual meeting and luncheon at the Sail Loft Restaurant in Rockport on May 23rd. The guest speaker was Attorney Paul Gibbons of Gibbons & Calderwood. Paul's legal firm represents several midcoast area towns. Paul gave an overview on the key issues surrounding a lawsuit involving the Town of Rockport, Maine Coast Artists, and an abutting property owner. The suit has gone on for several years and even resulted in case law from the Maine Supreme Court. Jeff Nims of Camden stepped down as MCEOA president and is replaced by Tim Valentine of Warren.

WORKSHOP REPORT

Our two most recent workshops included: "Coastal Construction" and "Identifying Hazard Trees in the Shoreland Zone" both of which were well attended. "Coastal Construction" was a 2-day floodplain management workshop presented by instructors from FEMA. It was held at MBNA's McGinley Hall located in Northport. Doug Johnson of Johnson's Arboriculture in Camden presented the workshop on identifying hazard trees. Nancy Caudle-Johnson and Travis Collins assisted with the presentations. The workshop included a classroom session in the morning and a field exercise in the afternoon. This program was very well received. Rich Baker and Alex Wong of DEP's Shoreland Zoning Program and Tish Carr, a community forester with the Dept. of Conservation, visited at least one training session and provide valuable input.

UPCOMING WORKSHOPS

In September we will return to the University of Maine's Highmoor Farm in Monmouth for field training in "subsurface wastewater disposal systems" similar to the sessions held last September. Based on constructive feedback from last year's attendees, field adjustments will be made to improve the demonstration site. A preregistration form is included with this mailing. The number of preregistrations we receive will determine the number of sessions planned. Please see attached form for details.

LD 1331 MAINE MODEL BUILDING REHABILITATION CODE

As many of you already know the Maine Legislature approved LD 1331 directing the State Planning Office to develop a *model building rehabilitation code* by January of 2002. The 120th Legislature will consider adoption of the model code during its second regular session next year. The legislation calls for an advisory council to assist SPO in development of the code. Names have been forwarded to Governor King's office for consideration for appointment to the council. SPO will soon issue *requests for proposal* for a technical consultant and a process facilitation consultant to assist SPO and the advisory council. Adoption of the model code is intended to be strictly voluntary, however any community adopting it without modification will receive financial incentives for any project related to rehabilitating an existing downtown building. It is assumed that the model rehab code would have to be based upon a model building code and that other State codes would be modified so as to be compatible. It will be important that public health and safety not be compromised for economic development purposes.

ALERT: CHECK YOUR CERTIFICATION DATE

Early indications are that many people will lose their certification come January 2002 because they have failed to acquire sufficient credits for re-certification. If you have not been attending workshops lately you should review your re-certification status. In June, letters were sent to all individuals in jeopardy of losing certification. Check your mail. If you have lost your annual status report you can reach Shelley: by telephone at 287-8064 or by e-mail at shelley.brann@state.me.us

FROM THE COORDINATOR: Several LPIs have requested access to the list of licensed plumbers in Maine. The Department of Professional & Financial Regulation, Plumbers' Examining Board recently posted the list to their web site. The site may be accessed through the State of Maine's web page. You can also access it more directly by entering the Internet address: http://www.state.me.us/pfr/olr/find_begin.shtml Once you are at the site you will be required to type in a name, license number, town, or county. You will only need one of these identifiers. GOOD LUCK!

HOPE EVERYONE ENJOYS A BEAUTIFUL SUMMER!!

QUESTIONS & ANSWERS

Q: Recently while reviewing an HHE-200, I noticed that the design plans did not specifically call for soil erosion control measures to be installed. The SSWD system will be located within our designated shoreland zone. When I asked the Site Evaluator (SE) about it he said it was “assumed” that the installer and system owner would take adequate measures. In his words, “Hey, its just common sense stuff, you don’t need to spell it all out for them.” I disagree, but I want to be sure before I require something. What do the rules say?

A: This is an example of shared responsibility for a very important issue. The site evaluator should add language to their design that there is an E&S control responsibility when a contractor is hired by the homeowner to install a system. Likewise, the contractor needs to be advised by the homeowner that E&S measures need to be taken. Lastly, the LPI should advise the person obtaining the permit that E&S measures are required for **all ground disturbances occurring within 100 feet of a coastal wetland, special freshwater wetland, great pond or major water-body / course**. In as much as the lot owner has the ultimate responsibility he or she needs to be advised of that fact (most don’t know they are responsible). Hence, a shared responsibility by all. The SPO will include this training in its refresher courses and the DHE will add this to contractor training and to their newsletter to the SEs and the LPIs. Also the DHE staff will discuss this with LPIs and SEs when they go to the field for site visits.

Remember when development is undertaken in the shoreland zone, it is essential that adequate measures be taken to prevent exposed soil and pollutants from reaching the water. DEP standards require that: natural site features such as small wetlands, wooded areas, swales and berms, be retained to reduce runoff. A soil erosion & sediment control plan must be prepared. The plan must show: how disturbed soils will be mulched and re-vegetated; where hay bales, silt fencing and/or diversion ditches will be placed; where permanent stabilizing structures may be needed; and how the site plan is designed to fit with the slopes and contours of the land. The standards require specific erosion control measures. Lot owners must: temporarily stabilize exposed soils within a week of groundbreaking; permanently stabilize exposed soil within nine months; when mulching, apply the material at a rate of at least one hay bale per 500 square feet; and where necessary, take additional measures, such as netting or pegging the mulch, using staked hay bales, and/or using silt fences.

When issuing a SSWD permit adjacent to a water body or wetland, check the HHE-200 for inclusion of an erosion control barrier design. Erosion control devices should be installed in order to prevent runoff that may carry sediment from the disturbance activity directly to a water body.

Section 1504.2.7 of the *State of Maine Subsurface Wastewater Rules* states that prior to the start of a soil disturbance activity, erosion control measures such as staked hay bales, or silt fence shall be properly installed and adequately maintained for the duration of the project, to prevent the wash of materials into the resource. This section applies to all ground disturbances occurring within 100 feet of a coastal wetland, special freshwater wetland, great pond or major water-body / course.

A REMINDER ON RECORDS RETENTION

It is very important for municipalities to keep accurate, detailed, and well-organized records. Good records may help to eliminate questions that might otherwise need to be settled in court. The Code Enforcement Officer should file all records or other information relating to a particular parcel of land or project. Retrieval experience by municipalities has shown that correlating records by tax map and lot number, not alphabetically or chronologically, is the best method for filing. A couple record retention examples are listed below. Please refer to your Municipal Code Enforcement Officers Training and Certification Manual - *Legal Issues and Enforcement Techniques* for further information.

SUBSURFACE WASTEWATER DISPOSAL SYSTEM RECORDS:

Section 117.0 of the Maine Subsurface Wastewater Disposal Rules states: The municipality shall keep official records of applications for disposal system permit s received, disposal system permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. The disposal system permit and associated records **shall be maintained until such time as the realty improvements served by the proposed or existing system is removed or connect to a public sewer.** These records shall be available upon request for inspection by personnel of the Department of Human Services and the public. It is the responsibility of the Municipality to keep records of permits, issued by the Local Plumbing Inspector, for public access. This information is very important when properties are being sold. In short, records shall be kept as long as the system is in existence. PIs inspecting in LURC jurisdictions retain the “town” copy of the permit.

SHORELAND ZONING RECORDS:

Title 38 MRSA § 441 requires the Code Enforcement Officer to keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found and fees collected. On a biennial basis, beginning in 1992, a summary of this record must be submitted by March 1 to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection. The Shoreland Zoning Guidelines require the Code Enforcement Officer keep permanent records of all notices violation.